#### FACSIMILE TRANSMISSION

RECEIVED **CENTRAL FAX CENTER** 

AUG 1 2 2005

FROM:

Christine A. Gritzmacher Gen-Probe Incorporated

10210 Genetic Center Drive San Diego, California 92121

Phone No.: 858-410-8926 Facsimile No.: 858-410-8928

Commissioner for Patents TO:

P.O. Box 1450

U.S. Patent & Trademark Office Facsimile No.: 571-273-8300

Number of pages (including this cover page): 12

In re patent application of:

Group Art Unit: 1645

NORMAN et al.

Examiner:

BASKAR, P.

Appln. No. 10/712,654

Confirmation No. 8961

Filed: November 12, 2003

Docket No.:

GP141-03.UT

Title: ASSAY AND COMPOSITIONS FOR

DETECTION OF BACILLUS

ANTHRACIS NUCLEIC ACID

Date:

August 12, 2005

## IDS via Facsimile includes the following documents:

- Transmittal form PTO/SB/22 1 pg.; 1.
- Information Disclosure Statement under 37CFR 1.97(b) 2 pg.; 2.
- Form/SB/08A (2 pg. in duplicate) 4 pg.;and 3.
- Copy of a cited reference 4 pg. 4.

I hereby certify that this correspondence, along with the attached documents, is being facsimile transmitted to the US Patent and Trademark Office (FAX No. 571-273-8300) on the date indicated below.

Date: August 12, 2005

Bv:

Christine A. Gritzmachez Registration No. 40,627

DTOISERS! MOLOAY

	U.S. Pa	Approved for use through 07/31/2006. OMB 0851-003- stent and Trademark Office; U.S. DEPARTMENT OF COMMERCE action of Information unless it displays a valid OME control number
Under the Pancowork Reduction Act of 1995 in	Application Number	10/712,654
TRANSMITTAL	Filing Date	November 12, 2003
FORM	First Named Inventor	Sylvia A. Norman
(to be used for all correspondence after initial fil	Art Unit	1545
(10 De Oseo los em consequences es estas sanos	Examiner Name	BASKAR, Padmavathi
Total Number of Pages in This Submission	1 Attorney Docket Number	GP141-03.UT
	ENCLOSURES (Check all	that apply)
Fee Transmittal Form  Fee Attached  Amendment/Repty  After Final  Affidavits/declaration(s)  Extension of Time Request  Express Abandonment Request  Information Disclosure Statement  Certified Copy of Priority Document(s)  Response to Missing Parts/ Incomplete Application  Response to Missing Parts  under 37 CFR 1.52 or 1.53	Drawing(s)  Licensing-related Papers  Petition  Petition to Convert to a Provisional Application Power of Attorney, Revocatio Change of Correspondence A Terminal Disclaimer  Request for Refund  CD, Number of CD(s)  Remarks	Other Enclosure(s) (please identify below):  Copy of one cited reference
SIGNA	TURE OF APPLICANT, ATTO	RNEY, OR AGENT
Firm Christine A. Gritzmacher, or Individual name Christine A. Gritzmacher, Registration No. 40,627		
Signature (hnihae 6	1. Ast made	<u> </u>
Date August 12, 2005	0.0.	
C	ERTIFICATE OF TRANSMISS	SION/MAILING
	- seed all a seed to the USP	TO or deposited with the United States Postal Service wit or Palents, P.O. Box 1450, Alexandria, VA 22313-1450 or
Typed or printed name Christine A. Gritz	macher, Reg. No. 40,627	
Signature Unrah	0.0	Defe August 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary deporting upon the individual case. Any comments on the gathering, preparing, and submitting the complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and smount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

+1 858 410 8928

RECEIVED
CENTRAL FAX CENTER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 1 2 2009

Applica	ants: Norman et al.	) Examiner: Baskar, Padmavathi
Serial l	No. 10/712,654	) Group Art Unit: 1645
Filed:	November 12, 2003	) Confirmation No. 8961
	ASSAY AND COMPOSITIONS FOR DETECTION OF BACILLUS ANTHRACIS NUCLEIC ACIDS	) Docket No.: GP141-03.UT

# INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the attached form PTO/SB/08A (two copies enclosed) for consideration in connection with the examination of the above-identified application. A copy of the non-patent article is also enclosed.

This Information Disclosure Statement (IDS) is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c). Accordingly, no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in §1.56(c)

INFORMATION DISCLOSURE STATEMENT

Serial No. 10/712,654 Filed: November 12, 2003 Atty. Docket No. GP141-03.UT

more than three months prior to the filing of this IDS. If any fee is due under 37 C.F.R. § 1.17(p), then Applicants hereby authorize that it be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicant respectfully requests that the Examiner indicate consideration of each cited reference by returning a copy of the attached form PTO/SB/08A with the Examiner's initials or other appropriate marks.

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted (FAX No. 571-273-8300) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Dated: August 12, 2005

Christine A. Gritzmacker

Reg. No. 40,627

GEN-PROBE INCORPORATED

Patent Department

10210 Genetic Center Drive

San Diego, California 92121

Tel.: (858) 410-8926

FAX: (858) 410-8928

Page 2 of 2

### RECEIVED **CENTRAL FAX CENTER**

AUG 1 2 2005

PTO/SB/08A (08-03)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required	Coi	nplete if Known	
Substitute for form 1449/PTO	Application Number	10/712,654	
	Filing Date	Nov. 12, 2003	
INFORMATION DISCLOSURE	First Named Inventor	Sylvia A. Norman	
STATEMENT BY APPLICANT	Art Unit	1645	
(Use as many sheets as nocessary)	Examiner Name	Baskar, Padmavathi	
Sheet 1 of 2	Attorney Docket Number	GP141-03.UT	

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Clte No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Whore Relevant Passages or Relevant Figures Appoar
	<u> </u>	Number-Kind Code <sup>2 (Farmer)</sup>	44 24 4000	Mock et al.	
		<sup>US-</sup> 5,840,312	11-24-1998		
_	ļ	US- 20020055628A1	05-09-2002	Keim et al.	<del></del>
		US-			
		US-			
	_	U\$-			
	<del>                                     </del>	ŲŠ-			
	1	US-			
		Ų\$-			
		US-			·
		Ų\$-			
		US-			
•		ŲS-			
	1	US-			
		US-			
		us-			
-		US-		<u></u>	
	-	US-			
	T	US-			
	1 -	US-			

	FORE	IGN PATENT DOCU	MENTS		
	Foreign Patent Document	Publication Date	Name of Patenteo or	Where Rolevant Passages	
140.	Country Codo <sup>3</sup> -Number <sup>4</sup> "Kind Codo <sup>3</sup> (if known)	MM-DD-YYYY		Or Relevent Figures Appear	T
					┝
					₩
ļ				<u> </u>	╫━
-		<del>  -</del>			
	Cite No.'	No.' Foreign Patent Document	Cite Foreign Patent Document Publication Date MM-DD-YYYY	No. Date Applicant of Cited Document	Cite Foreign Patent Document Publication Name of Patention or Applicant of Cited Document Where Rolevant Passenges Or Relevant Figures Appear

E	 Date	
Examiner	Considered	
Signature	OCH SUCIED	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant. \*Applicant's unique citation designation number (optional). \*See Kinds Codes for USPTO Patent Documents at <a href="https://www.uspto.ego/">www.uspto.ego/</a> or MPEP 901.04. \*Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \*In Japanese patent documents, the Indication of the year of the representance are must precode the sensit number of the patent document. \*Indication of the year of the representance are indicated on the document under WiPO Standard ST.16 if possible. \*Applicant is to place a check mark here if English language Translation is statched.

Translation is stracted.

This collection of information is required by S7 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) on application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) on application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, useful of processing, preparing, and submitting the complete data polication form to the USPTO. Time will vary depending upon the Individual case. Any commands on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450. Alexandria, VA 22313-1450. DO NOT SEND FEE3 OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450. Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08B (08-03) Approved for use through 07/31/2006. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	·		t of 1995, no persons ar	e required to respond to a collection	of information unless it contains a valid OMB cantrol number Complete if Known	Š
Substitut	te for form 1449/PTO			Application Number	10/712,654	
INFO	ORMATION	N DIS	CLOSURE	Filing Date	November 12, 2003	
	STATEMENT BY APPLICANT		First Named Inventor	Sylvia A. Noman		
				Art Unit	1645	
	(Use as many sh	eets as r	rccessary)	Examiner Name	Baskar, Padmavathi	
Sheet	2	of	2	Attorney Docket Number	GP141-03.UT	_

Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
		VAILLANCOURT et al., "Development of a multiplex PCR assay for the specific detection of Bacillus anthracis using the Smart Cycler" 101st General Meeting of the ASM, held in Orlando,FL, May 2001 (reprinted with permission by Cepheid, at www.cepheid.com)	
	_		
<u> </u>			
	-		

Examiner Considered Signature

If you need assistance in completing the form, cell 1-800-PTO-9199 (1-800-786-9199) and select option 2.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicants unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attoched.

1 Applicants unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attoched.

1 Applicants unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attoched.

1 Applicants unique citation designation is required by 37 CFR 1.99. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO This collection is estimated to take 2 hours to complete, including to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any continents on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Commissionar for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

T-706 P 007/012 F-959

PTO/SB/08A (DB-03)

Approved for use through 07/31/2006, OMB 0551-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

nder the Paperwork Reduction Act of 1995, no persons am required t	Col	mplete if Known	
Substitute for form 1449/PTO	Application Number	10/712,654	
	Filing Date	Nov. 12, 2003	
INFORMATION DISCLOSURE	First Named Inventor	Sylvia A. Norman	
STATEMENT BY APPLICANT	Art Unit	1645	
(Use as many sheets as necessary)	Examiner Name	Baskar, Padmavathi	
et 1 of 2	Attorney Docket Number	GP141-03.UT	

Examiner Initials	Cite No.	Document Number  Number-Kind Code <sup>2 (f annum)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,840,312	11-24-1998	Mock et al.	
	ĺ	US- 20020055628A1	05-09-2002	Keim et al.	
	†	US-			
		US-			
	i –	US-			
	<b> </b>	U\$-			
	<del>                                     </del>	US-			
		US-			
		US-			
	<del>                                     </del>	US-			
	<del> </del>	US-			·
		US-			
	+-	US-			
	1	U\$-			
		.U.S-			
	<del> </del>	US-			
	+	US-			
	+-	U\$-	<del>  '</del> "		
	+-	US-			

		FORE	GN PATENT DOCU	MENTS		
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Occument	Pages, Columns, Lincs, Where Relevant Passages	١.
1144444	130.	Country Code <sup>3</sup> *Number <sup>4</sup> TKind Code <sup>3</sup> (#Innown)	MM-DD-YYYY		Or Relevant Figures Appear	170
						L
	-					
	-					
	<del>                                     </del>		-   · · - ·			
	<del> </del>	· <del>-</del>	_			

	·		 
Examinar Signature		)ate Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant, "Applicant's unique citation designation number (optional), "See Kinds Codes of USPTO Petent Documents at www.usoto.gov or MPEP 901.04." Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3), "For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. "Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. "Applicant is to place a check mark here if English language Translation is attached."

Translation is attached.

This collection of Information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an explication. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. 80x 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/089 (08-03) Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
To collection of information unless it contains a valid OMB control number.

		JUCILUM 74		are required to respond to a collection of information unless it contains a valid come complete if Known		
Substitute for form 1449/PTO				Application Number	10/712,654	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	November 12, 2003	
				First Named Inventor	Sylvia A. Norman	
				Art Unit	1645	
(Use as many sheets as necessary)			necessary)	Examiner Name	Baskar, Padmavathi	
Sheet	2	of	2	Attorney Docket Number	GP141-03.UT	

Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  VAILLANCOURT et al., "Development of a multiplex PCR assay for the specific detection of Bacillus anthracis using the Smart Cycler" 101st General Meeting of the ASM, held in Orlando,FL, May 2001 (reprinted with permission by Cepheid, at www.cepheid.com)					
	1						

Examiner	Date	
Signature	i l Caideand l	
Signature		

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not

EXAMINER: Initial if reference considered, whether or not distillon is in conformance with MPEP 809. Draw line through distillon in not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

1 Applicant's unique citation designation is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO This collection is estimated to take 2 hours to complete, induding to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, induding to process) an application form to the USPTO. Time wait very depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form to the USPTO. The wait very depending upon the individual case. Any comments on the gathering, preparing, and submitting the complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.